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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,815	10/17/2003	Miles R. Jackson	CS21772RL	2371
20280	7590	04/18/2008	EXAMINER	
MOTOROLA INC			JOHNSON, CARLTON	
600 NORTH US HIGHWAY 45				
W4 - 39Q			ART UNIT	PAPER NUMBER
LIBERTYVILLE, IL 60048-5343			2136	
			NOTIFICATION DATE	DELIVERY MODE
			04/18/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.LIBERTYVILLE@MOTOROLA.COM

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**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/688,815

**Applicant(s)**

JACKSON, MILES R.

**Examiner**

CARLTON V. JOHNSON

**Art Unit**

2136

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16, 20-22 and 24-28 (see last Office Action).  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136

Continuation of 11. does NOT place the application in condition for allowance because: Response to Arguments

3. Applicant's arguments filed 3/14/2008 have been fully considered but they are not persuasive.

3.1 Applicant argues that the referenced prior art does not disclose, "order of custody of messages" and "message identifiers"

Claim 1 indicates the limitation to transmit and receive a message. There is no indication of a chain of custody for a message as claimed in Applicants remarks. There is no indication of different recipients in the claimed invention. The term, "different", is not in the specification or the original claims. The messages are transmitted and received by a recipient.

The Isaacs prior art discloses an identifier for a message. The sequence number and the sender ID (combination) is a unique identifier for each particular message. (see Isaacs col. 14, lines 48-49: sequence number and sender ID identification) And, the Isaacs prior art discloses the ability to keep a list of messages sent (output message log, audit information). The list of messages sent lists the recipients in the order the messages are processed) as per claims limitation. (see Isaac col. 15, line 66 - col. 16, line 6: message order; col. 13, lines 25-28: sequence number, denote order of messages, client (i.e. sender) controlled sequence number (i.e. recipient cannot change)) Recipient cannot change (edit) message log information.

3.2 Applicant argues that the referenced prior art does not disclose, "resending or forwarding messages".

The Isaacs prior art discloses the ability to resend (resend or forward) a message in the event no acknowledgement is received. (see Issacs col. 12, lines 58-61: resend message, timeout; col. 2, line 63 - col. 3, lines 16: status indicator (i.e. message log update), displayed at recipient, resend message status (status indicator)) The claim limitation equates resending a message to forwarding a message. Resend is defined as, "To send again; as, to resend a message." (<http://www.thefreedictionary.com/Resend>)

3.3 Applicant argues that the referenced prior art does not disclose, "message header".

The message header is a data structure which is well known in the art. The data items addressed in the claim limitations are standard parameters (identifiers, message identifiers, flags) used in the development and execution of software. The configuration of a data structure (location and size of particular fields) is based on efficient usage of the parameters by the software. Storing these types of parameters in data structures for efficient usage by program modules is well known in the art. The Isaacs prior art discloses identifiers for messages. There is no indication that the audit identifier is not the same as the message identifier.